

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Amend Section 502  
Title 14, California Code of Regulations  
Re: Waterfowl, Migratory; American Coot; and  
Common Moorhen (Common Gallinule)

I. Date of Initial Statement of Reasons: May 20, 2002

II. Dates and Locations of Scheduled Hearings:

- |     |                     |           |                              |
|-----|---------------------|-----------|------------------------------|
| (a) | Notice Hearing:     | Date:     | June 20, 2002                |
|     |                     | Location: | South Lake Tahoe, California |
| (b) | Discussion Hearing: | Date:     | August 2, 2002               |
|     |                     | Location: | San Luis Obispo, California  |
| (c) | Adoption Hearing:   | Date:     | August 30, 2002              |
|     |                     | Location: | Oakland, California          |

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Sections 355 and 356 of the Fish and Game Code authorize the Fish and Game Commission to annually adopt regulations pertaining to the hunting of migratory birds that conform with, or further restrict, the regulations prescribed by the U.S. Fish and Wildlife Service (Service) pursuant to the Migratory Bird Treaty Act. These regulations ensure the conservation of waterfowl while providing for their use. Each year States may make recommendations to change federal regulations to Flyway Councils, which may forward these to the Service. By early August, the Service establishes federal regulations.

The Service, through the analysis of waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed State regulations. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. The Service establishes rules for "early season" hunting (waterfowl seasons that occur prior to October 1) in June of each year and establishes "late season" rules (waterfowl seasons that begin after October 1) in August of each year.

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits. Five (5) changes are currently proposed for Section 502. All five of the changes require Flyway Council and Service approval.

The five proposed regulation changes are:

1. Removal of 44 day restriction of white-fronted and cackling Canada goose harvest in the Northeastern California Zone.

The existing regulations in 502(d)(1)(A) and 502(d)(1)(B) restrict the days of hunting for white-fronted and cackling Canada geese in the Northeastern California Zone to the first 44 days of the 100 day goose season. The proposed change would eliminate this restriction. White-fronted and cackling Canada goose populations have grown substantially, and both populations are near or above population goals established for them in Flyway management plans. The goal for white-fronted geese is 300,000 and the population level in 2001 was 423,000. The goal for cackling Canada geese is 250,000 and the population in 2001 was 212,000. A harvest strategy has been adopted for each of these populations by the Flyway Council and affected Native subsistence hunters in Alaska. This strategy allows the harvest of 52,000 white-fronted geese, whereas harvests of white-fronted geese in California have averaged about 21,000 the last 5 years. The strategy allows the harvest of about 22,000 cackling Canada geese in the Flyway, whereas harvests of cackling Canada geese in California have averaged about 1,700 the last 5 years. Harvests are higher in Washington and Oregon where the bulk of the Cackling Canada geese spend the winter. The proposed changes (see also the proposed changes in 502(d)(5)(A) and 502(d)(5)(B) below) are expected to provide additional harvest opportunity that complies with these harvest strategies.

2. Lengthen the Balance of State Zone goose season from 79 to 86 days.

The existing regulations in 502(d)(5)(A) and 502(d)(5)(B) establish a 79 day goose season in the Balance of State Zone. The proposed change would increase the season length to 86 days. The majority of the white-fronted goose, snow goose (particularly from Wrangle Island, Russia) and Ross' goose harvest in California occurs in the Balance of State Zone. The hunting season length was reduced from 93 days to 79 days when these populations were at lower levels in 1980. Since then, these populations have grown and are at levels sufficient to allow additional harvest. The factual basis for the recommendation regarding white-fronted and Cackling Canada geese is provided in 1 above. The other major populations of geese that winter in the Balance of State Zone will not be affected by the proposed change. Wrangle Island snow geese do not arrive in the Balance of State Zone until late November each year and 2-3 weeks after the beginning of the goose season under the existing regulation. The proposed season change would allow the goose season to start earlier, thus would not increase harvest of these geese. Ross' geese are at record high levels, and also do not occur in the Balance of State Zone until after the current goose hunting season begins.

3. Remove season-long prohibition of Canada goose hunting in Humboldt and Del Norte counties and allow a 5-day season.

The existing regulations in 502(d)(5)(D)1. prohibit the take of Canada geese in Humboldt and Del Norte counties during the entire Balance of State Zone goose hunting season. The proposed change would provide for a 5 day season with a daily bag limit of 1 Canada goose in these counties. Federal regulations have prohibited Canada goose hunting since 1975 in Humboldt and Del Norte counties to protect Aleutian Canada geese, which were listed as Endangered in 1967, down-graded to Threatened in 1991 and removed from the list of Threatened species in March, 2001. A limited-permit September Canada goose in Humboldt County hunt was authorized in 1997 (Section 502.1 Title 14 CCR) to provide limited hunting opportunity of an introduced population of Western Canada geese during early fall when Aleutian geese are not present. The Aleutian Canada goose population has grown from about 800 birds in 1976 to over 36,000 birds in recent years and is now feeding primarily on privately-owned pastures. Private landowners are concerned that unimpeded population growth of Aleutian Canada geese is affecting the amount of grass available for livestock. A related proposed change in Section 502.1 (noticed at the Commission's May 9, 2002 meeting) would eliminate the September permit hunt in Humboldt County if the Flyway Council and Service approve this recommendation. The proposed season is limited in time and bag limit compared to the regulations for the remainder of the Balance of State Zone because permits would no longer be required and a shorter season and smaller daily bag limit are necessary to conserve the smaller Western Canada goose population.

4. Create a special management area for white geese in the Imperial Valley portion of the Southern California Zone and extend the white goose hunting season in that area.

The existing regulations in 502(d)(5)(D) establish Special Management Areas where hunting regulations differ from the general regulations in the specific hunting zone. The proposed change would create a new Special Management Area in which the white goose hunting season would extend later than the existing goose hunting season dates in the Southern California Zone. Agricultural interests, primarily alfalfa growers, have experienced increasing costs to limit the use of their fields by white geese, primarily snow geese from the western Canadian arctic. Currently, goose hunting season in the Southern California Zone ends due to federal regulation at the time when depredations begin to increase. A Special Management Area is needed rather than extending the goose season in the entire Zone to maintain existing harvest levels on other stocks of geese, primarily Canada geese from the Rocky Mountain Population.

5. Remove the Sacramento Valley (East) Special Management Area and allow the take of Canada geese in that area throughout the Balance of State Zone goose season.

The existing regulations in 502(b)(5)(A)4. and 502(d)(5)(D)4. describe the Sacramento Valley (East) Special Management Area and prohibit the take of Canada geese in this Special Management Area during the Balance of State Zone goose hunting season. The proposed change would eliminate the Special Management Area and the prohibition on the take of Canada geese during the Balance of State Zone goose hunting season in this Special Management Area. This Special Management Area was established in 1975 to protect migrating Aleutian Canada geese. The Aleutian Canada goose population has grown from about 800 in 1976 to over 36,000 in recent years and was removed from the list of Threatened species in March 2001. Additionally, most Aleutian geese are now migrating directly to the San Joaquin Valley and fewer birds occur in this area in the fall. The proposed change would allow a limited harvest on Aleutian Canada geese in the fall in the Sacramento Valley. Reductions in the growth of the Aleutian Canada goose population are sought to reduce the effect of geese feeding primarily on privately-owned pastures in Humboldt and Del Norte counties. Private landowners are concerned that unimpeded population growth of Aleutian Canada geese is affecting the amount of grass available for livestock.

These five proposed changes to the state regulations must be approved by the Pacific Flyway Council at their meeting on July 26, 2002. The Service will consider these and other recommendations at their meeting on August 1, 2002. Should the proposed changes be denied at either the Flyway Council or Service meetings, a recommendation for no change regarding these section in the current regulations in Section 502 will be made.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:  
  
Authority: Sections 202, 355, and 356 Fish and Game Code.  
  
Reference: Sections 202, 355, and 356 Fish and Game Code.
- (c) Specific Technology or Equipment Required by Regulatory Change:  
None.
- (d) Identification of Reports or Documents Supporting Regulation Change:  
  
2002 Draft Environmental Document North Coast Canada Goose Hunting and 2002 Draft Environmental Document Migratory Game Bird Hunting.
- (e) Public Discussions of Proposed Regulations Prior to Notice publication:  
  
No public meetings are being held prior to the notice publication. These proposed changes would generally simplify existing hunting regulations

and/or provide additional hunting opportunities. Because the affected waterfowl populations are at high levels, most affected constituents would view these as positive regulatory changes.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Removal of 44 day restriction of white-fronted and cackling Canada goose harvest in the Northeastern California Zone.

Allow a 79 day season for white-fronted and cackling Canada geese instead of 100 days.

2. Lengthen the Balance of State Zone goose season from 79 to 86 days.

Allow a 93 day season for geese instead of the proposed 86 days.

Allow a 100 day season for geese instead of the proposed 86 days.

3. Remove season-long prohibition of Canada goose hunting in Humboldt and Del Norte counties and allow a 5-day season.

Allow a 9 day season for Canada geese instead of the proposed 5 days.

Allow a 16 day season for Canada geese instead of the proposed 5 days.

4. Create a special management area for white geese in the Imperial Valley portion of the Southern California Zone and extend the white goose hunting season in that area.

Extend the goose season in the entire zone rather than create a Special Management Area.

5. Remove the Special Management Area in the East Sacramento Valley and allow the hunting of Canada geese during the entire Balance of State Zone goose hunting season in that area.

Allow Canada goose hunting in the Special Management Area after mid-December instead of during the entire Balance of State Zone goose season.

(b) No Change Alternative:

1. Removal of 44 day restriction of white-fronted and cackling Canada goose harvest in the Northeastern California Zone.

The No Change Alternative would continue an unnecessary restriction on the take of these two goose populations. The existing

regulation is more complicated than the proposal by having a shorter season for some populations but not others.

2. Lengthen the Balance of State Zone goose season from 79 to 86 days.

The No Change Alternative would continue an unnecessary restriction on the take of geese in this Zone.

3. Remove season-long prohibition of Canada goose hunting in Humboldt and Del Norte counties and allow a 5-day season.

The No Change Alternative would not allow any harvest of the increasing Aleutian Canada goose population, thereby increasing the depredation effect on private landowners in the region. A longer goose season in this area would reduce the resident Western Canada goose population below desired levels.

4. Create a special management area for white geese in the Imperial Valley portion of the Southern California Zone and extend the white goose hunting season in that area.

The No Change Alternative would not allow extra harvest of white geese at a time when the effect on agriculture is beginning. Further extensions for either white geese or all geese could lead to undesirable harvest levels.

5. Remove the Sacramento Valley (East) Special Management Area and allow the take of Canada geese in that area throughout the Balance of State Zone goose season.

The No Change Alternative would not allow further harvest of Aleutian and Cackling Canada geese in this area. Continuing population growth of Aleutians would lead to greater depredation effects on the northwest coast of California in the spring.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternatives considered would be more effective in carrying out the purposes for which the regulation changes are proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation. The “no change” alternative is appropriate if the Flyway Council or Service deny the recommendations.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation(s) are intended to provide additional recreational opportunity to the public. Our experience has shown that additional recreational opportunity has a neutral economic impact on businesses.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.

## Informative Digest/Policy Statement Overview

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits. In addition to the five proposals contained herein, the U.S. Fish and Wildlife Service (Service), through the analysis of waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed State regulations. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. These five proposed changes to state regulations require changes in the federal regulations. These proposals must be approved by the Pacific Flyway Council at their meeting on July 26, 2002. The Service will consider these and other recommendations at their meeting on August 1, 2002.

1. Lengthen the white-fronted and cackling Canada goose hunting season in the Northeastern California Zone

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3. Remove the prohibition on the take of Canada geese in Humboldt and Del Norte counties and allow a 5 day season.

The existing regulations in 502(d)(5)(D)1. prohibit the take of Canada geese in Humboldt and Del Norte counties during the entire Balance of State Zone goose hunting season. The proposed change would provide for a 5 day season with a daily bag limit of 1 Canada goose.

4. Create a new Special Management Area in the Southern California Zone to allow a longer white goose hunting season in that Area.

The existing regulations in 502(d)(5)(D) establish Special Management Areas where hunting regulations differ from the general regulations in the specific hunting zone. The proposed change would create a new Special Management Area in which the white goose hunting season would extend later than the existing goose hunting season dates in the Southern California Zone.

5. Remove the Sacramento Valley (East) Special Management Area and allow the take of Canada geese in that area throughout the Balance of State Zone goose season.

The existing regulations in 502(b)(5)(A)4. and 502(d)(5)(D)4. describe the Sacramento Valley (East) Special Management Area and prohibit the take of Canada geese in this Special Management Area during the Balance of State Zone goose hunting season. The proposed change would eliminate the Special Management Area and allow the take of Canada geese during the Balance of State Zone goose hunting season in this Special Management Area.